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IN THE HIGH COURT OF JUDICATURE AT BILASPUR

CHHATTISGARH

WRIT PETITION NO. 185 OF 2005

PETITIONER :

Venkat Raman Pratap Singh, S/o Bindeshwar Singh, Aged about 29 years, Panchayat Secretary, Gram Panchayat, Kendai, R/o Village Kendia, Tehsil Khatghora, District Korba (C.G.).

Versus

RESPONDENTS :

1. State of Chhattisgarh Through the Secretary, Department of Panchayat and Social Welfare, D.K.S. Building, Mantralaya, Raipur, Chhattisgarh.
2. Collector, Korba (C.G.).
3. Sub Divisional Officer, Khatghora, District Korba (C.G.).
4. Chief Executive Officer, Janpad Panchayat, Podhi, Uproad, District korba (C.G.).
5. Gram Pranchayat, Kendai, Through The Sarpanch, Kendai, District Korba (C.G.).

P.R. No. 1945/05
Presented by Shri Rajendra Tripathi
dated 29/04/05

26/4/05

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

1. PARTICULARS OF THE PETITIONER.

As shown in the cause title.

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29.4.05
CLERK to A. G. BILASPUR

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P. No. 1805/2005 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	16.11.2005 Petitioner by Shri S.R.J. Jayaswal, Advocate. Respondents No. 1 to 3 by Shri Pankaj Shrivastava, Panel lawyer. Respondent No.4 by Shri Vinod Deshmukh, Advocate. Respondent No.5 by Shri Subhash Yadav, Advocate. Heard. The petitioner was appointed as Panchayat Karmi on 12.8.1995. Thereafter vide order dated 17.12.1999 the petitioner was declared as Panchayat Secretary in Gram Panchayat Kendai, District- Korba by the Collector in exercise of the powers under section 69(1) of the Chhattisgarh Panchayat Raj Adhiniyam, 1993 (for short 'the Act, 1993'). The services of the petitioner was terminated from the post of Panchayat Secretary vide order dated 26.2.2005 passed by the Respondent No.5. The petitioner was declared as Panchayat Secretary by the Collector in exercise of the powers under Section 69(1) of the Act, 1993, as such the Respondent No.5 has no competence to terminate the service of the petitioner from the post of Secretary. The service of the petitioner from the post of Secretary of the Gram Panchayat can be terminated only under the provisions of Chhattisgarh Civil Services (Classification, Control and Appeal) Rules, 1966 by the Collector on behalf of the State.	

XI-HC-78

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	Learned counsel appearing for the Respondent No.5 candidly admits that under the provisions of law the Respondent No.5 has no competence or jurisdiction to remove the petitioner from the post of Panchayat Secretary as the petitioner was declared as Panchayat Secretary by the Collector on behalf of the State Government under section 69(1) of the Act, 1993. Learned counsel for the respondents No. 1 to 3 and 4 admit the above stated position of law. In view of the foregoing, the petition is allowed and the impugned order dated 26.2.2005 passed by the Respondent No.5 is quashed. Certified copy, as per Rules. **Sd/-** **Satish K. Agnihotri** **Judge**	

18.11.05